

### **REMARKS**

Reconsideration of the present application in view of the following remarks is respectfully requested.

#### **The Species Election Requirement**

The Examiner has required the following elections of species because the species of the generic claim are alleged to lack unity of invention under PCT Rule 13.1:

##### *A. Species Election 1*

A species election is required among the following groups:

- (1) complementary single stranded identifier oligonucleotides are obtained prior to the step of partitioning the bifunctional complexes (claim 4).
- (2) complementary single stranded identifier oligonucleotides are obtained during or concomitantly with the step of partitioning the bifunctional complexes (claim 4).
- (3) complementary single stranded identifier oligonucleotides are obtained after the step of partitioning the bifunctional complexes (claim 5).

Without conceding the validity of the election requirement, applicants hereby elect the species of category (1) directed to complementary single stranded identifier oligonucleotides obtained prior to the step of partitioning the bifunctional complexes. This election is made with traverse.

The pending claims which read on the elected species are claims 1-4, 6, 7, 8, 11-17, and 56-62.

Applicants respectfully traverse the election requirement on the basis that the technical features embraced by groups (1)-(3) do not lack unity of invention. PCT Rule 13.1 states that international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. It is respectfully submitted that the species listed above are, in fact, linked so as to form a single general inventive concept. The species are linked because they

are simply permutations of the method for identifying a display molecule embraced by claim 1. The general method of claim 1 forms the basis for linking the above species, and thus, there is unity of invention here.

*A. Species Election 1*

A species election is required among the following groups:

- (1) complementary single stranded identifier oligonucleotides are obtained prior to the step of partitioning the bifunctional complexes (claim 4).
- (2) complementary single stranded identifier oligonucleotides are obtained during or concomitantly with the step of partitioning the bifunctional complexes (claim 4).
- (3) complementary single stranded identifier oligonucleotides are obtained after the step of partitioning the bifunctional complexes (claim 5).

Without conceding the validity of the election requirement, applicants hereby elect the species of category (1) directed to complementary single stranded identifier oligonucleotides obtained prior to the step of partitioning the bifunctional complexes. This election is made with traverse.

The pending claims which read on the elected species are claims 1-4, 6, 7, 8, 11-17, and 56-62.

Applicants respectfully traverse the election requirement on the basis that the technical features embraced by groups (1)-(3) do not lack unity of invention. PCT Rule 13.1 states that international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. It is respectfully submitted that the species listed above are, in fact, linked so as to form a single general inventive concept. The species are linked because they are simply permutations of the method for identifying a display molecule embraced by claim 1. The general method of claim 1 forms the basis for linking the above species, and thus, there is unity of invention here.

*B. Species Election 2*

A species election is also required among the following groups:

- (1) the identifier oligonucleotide linked to the display molecule consisting of a single stranded identifier oligonucleotide (claims 6-12).
- (2) the identifier oligonucleotide linked to the display molecule consisting of a duplex identifier oligonucleotide comprising complementary single stranded identifier oligonucleotides (claims 6-12).

Without conceding the validity of the election requirement, applicants hereby elect the species of category (2) directed to identifier oligonucleotide linked to the display molecule consisting of a duplex identifier oligonucleotide comprising complementary single stranded identifier oligonucleotides. This election is made with traverse.

The pending claims which read on the elected species are claims 1-18 and 56-62.

Applicants respectfully traverse the election requirement on the same basis set forth above for Species Election 1. Again, it is respectfully submitted that the species are linked because they are simply permutations of the method for identifying a display molecule embraced by claim 1. The general method of claim 1 forms the basis for linking the above species, and thus, there is unity of invention here.

### *C. Species Election 3*

A species election is additionally required among the following groups:

- (1) the display molecule of a bifunctional complex provided in step i) is linked to a single stranded identifier oligonucleotide (claims 7-12).
- (2) the display molecule of a bifunctional complex provided in step iv) is linked to a single stranded identifier oligonucleotide (claims 7-12).

Without conceding the validity of the election requirement, applicants hereby elect the species of category (1) directed to a display molecule of a bifunctional complex provided in step i) being linked to a single stranded identifier oligonucleotide. This election is made with traverse.

The pending claims which read on the elected species are claims 1-18 and 56-62.

Applicants respectfully traverse the election requirement on the same basis set forth above for Species Elections 1 and 2. Again, it is respectfully submitted that the species are linked because they are simply permutations of the method for identifying a display molecule embraced by claim 1. The general method of claim 1 forms the basis for linking the above species, and thus, there is unity of invention here.

*D. Species Election 4*

A species election is additionally required among the following groups:

- (7) said single stranded identifier oligonucleotides of the different bifunctional complexes are complemented prior to partitioning of the bifunctional complexes (claim 8).
- (8) said single stranded identifier oligonucleotides of the different bifunctional complexes are complemented after partitioning of the bifunctional complexes (claim 9).
- (9) said single stranded identifier oligonucleotides of the different bifunctional complexes are complemented during or concomitantly with the partitioning of the bifunctional complexes (claim 10).

Without conceding the validity of the election requirement, applicants hereby elect the species of category (1) directed to single stranded identifier oligonucleotides of the different bifunctional complexes being complemented prior to partitioning of the bifunctional complexes. This election is made with traverse.

The pending claims which read on the elected species are claims 1-8, 11-18 and 56-62.

Applicants respectfully traverse the election requirement on the same basis set forth above for Species Elections 1-2. Again, it is respectfully submitted that the species are linked because they are simply permutations of the method for identifying a display molecule embraced by claim 1. The general method of claim 1 forms the basis for linking the above species, and thus, there is unity of invention here.

**CONCLUSION**

In view of the above remarks, applicants respectfully request that the application be reconsidered and that the claims be allowed. If there are any remaining issues that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is requested to contact the undersigned at the telephone number indicated below.

Dated: October 7, 2011

Respectfully submitted,

/Andrew O. Larsen/

Andrew O. Larsen  
Registration No.: 59,315  
Merchant & Gould  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(212) 223-6658  
(212) 223-6521 (Fax)  
Attorneys/Agents For Applicant

